IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Bail Appl..No. 131 of 2007()

CP.35/2005 of J.M.F.C.-II,HOSDRUG
CRIME NO.193/03 OF RAJAPURAM POLICE STATION.

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PETITIONER/ACCUSED

GOPALAN, S/O. VASU,
PARAKKAYAM COLONY, KALLAR VILLAGE.

BY ADV. SMT.T.SUDHAMANI

RESPONDENT: COMPLAINANT

THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.131 OF 2007

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DATED THIS THE 12th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the accused in Crime No.193/03 of Rajapuram Police Station for an offence punishable under section 55 (g) of the Abkari Act for allegedly having been found in possession of 25 litres of wash on 27.10.2003, seeks anticipatory bail.

2. Admittedly, the case which was taken on file by the J.F.C.M.-II, Hosdurg as C.P.No.35/05 could not be proceeded with due to the abscondence of the petitioner whose case has been transferred to the long pending register as L.P.C.No.53/06 now pending before the J.F.C.M.-I, Hosdurg. Anticipatory bail cannot be granted so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

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